

**OBERMAN THOMPSON & SEGAL, LLC**

*Attorneys at Law*

One Financial Plaza ■ 120 South Sixth Street, Suite 850 ■ Minneapolis, MN 55402

Phone 612.217.6440 ■ Fax 612.217.6444

www.otslawyers.com

Direct Line: 612.217.6447

E-mail: jthompson@otslawyers.com

August 5, 2009

**VIA E-MAIL AND ECF FILING**

Magistrate Judge Jeffrey J. Keyes  
United States District Court  
316 North Robert Street  
Suite 646  
St. Paul, MN 55101

**Re: Phillips et al. v. Trevor Cook et al.  
Court File No. 09-CV-1732 (MJD/JJK)**

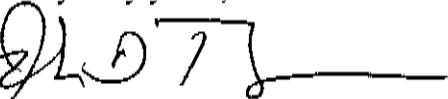
Dear Magistrate Judge Keyes:

This letter is a response to the letter of Andrew Luger dated August 5, 2009.

The parties have not yet conducted a Rule 26(f) conference. Thus, Defendant Oxford Private Client Group (PCG) is not entitled to documents, or even to make document requests, under the Rules. The Court's Order [58] ordered the stipulating Defendants to produce to Plaintiffs certain documents on an expedited basis. The stipulating Defendants have complied with the Order. If the Court had intended to require the stipulating Defendants to produce documents to PCG, the Order would have so stated.

Mr. Luger's letter contains no justification for PCG's need for expedited discovery. The reference to next week's depositions is disingenuous as that discovery consists of a deposition of Jerry Durand specifically authorized by the Court's Order [58] (limited to the location of bank accounts) and a deposition of Associated Bank to locate bank accounts. (Despite the fact that Plaintiffs noticed the Associated Bank depositions prior to the Rule 26 conference, Defendant Cook has waived any objections to the depositions.) The individual account files on the disk have nothing to do with those depositions.

Very truly yours,



John D. Thompson

Enclosure

c: All counsel of record (via ECF when possible, or email)